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The rule of law at the national and international levels

Measures to eliminate international terrorism

Letter dated 23 October 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with regard to the action taken by the Government of the United Kingdom to take out the name of the so-called "People's Mojahedin Organization of Iran" (PMOI), a notorious terrorist group, from Britain's list of proscribed groups, which came after a verdict issued by the British Court of Appeal on 7 May 2008 in case No. 2007/9516 and in the light of a decision made by the Proscribed Organisations Appeal Commission (POAC), I would like to bring the following to your attention:

1. The PMOI, as a terrorist cult and based on its strategy of armed struggle, has been adopting an eclectic and deviant ideology which has, over the years, resulted in widespread terrorist operations against Iranian civilians and officials as well as foreign nationals. These terrorist operations have resulted in the loss of lives of thousands of Iranian nationals, including political figures and parliamentarians, while thousands of others have been wounded or have suffered from material and moral damages. Even now, the remaining members of this terrorist cult continue to maintain their military capabilities as well as their terrorist nature, structure, aims and primary and founding strategies, in particular the strategy of armed struggle and use of force. For these reasons, they are still involved in different forms of terrorism, in one way or the other, including violent operations, money-laundering and inciting and encouraging terrorism around the globe. This is why this cult is the most despised group in the public opinion of the Iranian people.

2. Despite the very clear terrorist nature of the PMOI and its attempt to reconstruct its terrorist capabilities, the POAC, the Court of Appeal and the British Government as a whole have all ignored such irrefutable evidences, while the terrorist nature of this cult has been clearly recognized and reaffirmed by other States as well as regional organizations. There are also many documents indicating that this cult has been "otherwise concerned in terrorism" after 2003. In addition,

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several reports issued by non-governmental organizations, including those who are active in the field of human rights, testify to the despicable and terrorist nature of this cult. It is worth mentioning that these clear facts have all been reaffirmed, even very recently, by the high-ranking legislative and executive officials of the United Kingdom too.

3. Nevertheless, it seems that the POAC and the Court of Appeal, which have undoubtedly had access to the very clear documents indicating the continuation of terrorist activities of this cult, have chosen to ignore them and even have not paid attention to the mere fact that there have been no convincing evidences, whatsoever, to show that the said cult has objectively abandoned terrorism. Consequently, the United Kingdom officials issued a questionable verdict that is not in conformity with the general principles of law and justice.

4. From the international law point of view, the decision by the British judiciary, and the Government of the United Kingdom as a whole, is in contradiction with the clear and indisputable international obligations of the British Government to fight terrorism and is also in clear defiance of the relevant Security Council resolutions, including resolutions 1373 (2001) and 1624 (2005) as well as the United Kingdom's regional commitments. The said verdict and the consequent removal of the name of this terrorist cult from the list of proscribed terrorist organizations of the United Kingdom indicates that the British Government has indeed conferred legitimacy to their activities, a move which clearly contradicts the international efforts to combat terrorism. Evidently, and as the customary rules of international law governing the responsibility of States clearly demonstrate, resorting to such excuses as the independence of the judiciary or the separation of powers cannot be regarded as circumstances precluding the responsibility of the Government of the United Kingdom resulting from breaching its international and regional obligations in the fight against terrorism.

5. In the light of the above, the Islamic Republic of Iran, while strongly protesting this action by the British Government, considers the said Government responsible for the adverse consequences of the spread of the activities of this terrorist cult in the territory of the United Kingdom as well as at the regional level and beyond. Furthermore, the Islamic Republic of Iran reserves its right to take legal actions for the losses that may be inflicted on Iranian nationals and its security as a result of the failure by the British Government to abide by its international obligations and commitments.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda items 99 (Measures to eliminate international terrorism) and 79 (The rule of law at the national and international levels), and of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative